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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,868	11/26/2003	Kunio Kato	402886	6088
23548	7590	08/15/2005	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			PICO, ERIC E	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/721,868

Applicant(s)

KATO ET AL.

Examiner

Eric Pico

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                                     |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Kondera et al. (EP 1380530 A1). Kondera et al. discloses an elevator system comprising of a hoisting machine 6 disposed within a hoistway 1 between a wall of the hoistway 1 and a car 2, when viewed horizontally, the car moving vertically in the hoistway 1. The hoisting machine 6 includes a drive sheave 61. A fixing member 71a and 71b including a pillar extending vertically from a bottom of the hoistway 1. The elevator system taught by Kondera et al. also includes a mount member 7 supporting the hoisting machine 6. The elevator system also has a mount member 74 being fastened to an upper portion of the fixing members 71a 71b.

3. Regarding claim 2, the elevator system of Kondera et al. includes a mount member 7 formed into a hollow square shape Figure 6 and support sections 744a, 744b, and 742 for supporting the hoisting machine are provided at the upper and lower portions of the mount member 7.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3652

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kondera et al. (EP 1380530 A1) in view of Senn (U.S. Patent# 2701032). Kondera et al.

discloses a mount member 7 attached to the upper portion of a fixing member 71a and 71b but is silent on the fixing member being extended upright from a base member on the bottom of the hoistway, the base member being provided for standing elevator rails. Senn teaches a base member 14 on the bottom of the hoistway, the base member 14 being provided for standing elevator rails 22 and 23. Therefore, it would have been obvious to one of the ordinary skill in the art to extend a fixing member 71a and 71b disclosed by Kondera et al. from a base member 14 on the bottom of the hoistway as taught by Senn for additional floor stability.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kondera et al. (EP 1380530 A1). Kondera et al. discloses a securing member 21 being secured to the wall of the hoistway 1 (Figure 10) but is silent on the securing member 21 being provided on the fixing members 71a and 71b rather the securing member is attached to the hoisting machine 6. It would have been obvious to one of the ordinary skill in the art to include a securing member on the fixing member rather than the hoisting machine 6, the securing member being secured to the wall of the hoistway to absorb horizontal force acting on the hoisting machine 6, since it had been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

**Conclusion**


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suozzo (U.S. Patent# 3882968), Oscar (U.S. Patent# 1906665), Darwent (U.S. Patent# 4230205), Orrman et al. (U.S. Patent# 6655500), Mayer et al. (U.S. Patent# 6574997), Kondera et al. (WO 02/079068 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is (571)272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571)272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

  
EILEEN D. LILLIS  
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